IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24128 of 2004

Between:

Smt.Earamma W/o.Late Hammi Reddy @ Hanumantha Reddy
R/o.Manikonda Village Rajendranagar Mandal, R.R.Dist.

..... PETITIONER

AND

1 Commissioner of Police Cyberabad, R.R.District.
2 Station House Officer Darga P.S.R.R.District.
3 Ramakrishna Reddy S/o.Ram Reddy
R/o.Manikonda Village, Rajendranagar Mandal, R.R District.
4 C.Rajappa S/o.Balaiah
R/o.Manikonda Village, Rajendranagar Mandal, R.R District.
5 S.Shiva Kumar S/o.Late Gangaiah
R/o.Manikonda Village, Rajendranagar Mandal, R.R District.
6 Smt.R.Kalpana W/o.R.Venkataswamy
R/o.8-4-544/N/17//A New Sultan Nagar, Erragadda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order, or direction, more particularly, one in the nature of writ of Mandamus,. declaring the action of the respondents No.1 and 2 in not implementing the orders passed in various suits pending between the petitioner and the respondents No.3 to 6 herein inrespect of land in Sy.No.155,158 and 173 of Manikonda Village, Rajendranagar Mandal, RR District as bad, illegal, and violative of Article 14 and 21 of the Constitution of India and consequently direct the respondents No1 and 2 to initiate appropriate action on the complaints filed by the petitioner while implementing the court

orders in its true spirit and be pleased to pass such further orders.

Counsel for the Petitioner:MR.Y.NAGAIAH

Counsel for the Respondents 1 and 2: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner claims to be the owner and possessor of land admeasuring Ac.5.23 guntas in survey Nos.155, 158 and 173 of Manikonda village, Rajendra Nagar mandal, Ranga Reddy district. Reference is made to O.S.No.79 of 1995 on the file of Principal Junior Civil Judge (West and South), Ranga Reddy district, said to have been filed for partition of the said property. It is alleged that when respondents 3 to 5 were making attempts to interfere with the said land, O.S.No.1060 of 2001 is filed and an order of status quo is said to have been passed by the Court concerned, in I.A.No.2974 of 2001 on 28.12.2001. Another suit being O.S.No.726 of 2000 is said to have been filed by the petitioner in the Court of Principal Senior Civil Judge, Ranga Reddy district for cancellation of the sale deeds executed by respondents 3 to 5 in respect of part of the said land. The petitioner alleges that despite the orders passed by the civil Courts in various proceedings, respondents 3 to 5 are interfering with her possession over the land and respondents 1 and 2 are not coming to her aid, in protecting her possession.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

Even according to the petitioner, several proceedings have been initiated in respect of the land referred to above, in various Courts. It is also stated that various interim orders were passed in the respective proceedings. It is true that the police is required to act in aid and support of the orders passed by the Courts. Where the orders are in the nature of directing maintenance of status quo, it would be too difficult for the police to take any action. The parties feeling aggrieved by any violation and interference have to obtain specific orders from the civil Courts and if the interference persists, they can also file applications seeking police protection. Till such orders are passed, police cannot be

expected to interfere. Hence, this Court is not inclined to issue any directions to the respondents in this regard.

The writ petition is accordingly disposed of leaving it open to the petitioner to move the civil Court concerned, for grant of police protection for the purpose of enforcing any orders, which are said to be in operation. There shall be no order as to costs.

27.12.2004

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To

1 Commissioner of Police Cyberabad, R.R.District.
2 Station House Officer Darga P.S.R.R.District.

3 Two CCs. to the G.P. for Home, High Court of A.P.,

Hyderabad(OUT).

4 Two CD copies.